

Table 1 – Rockdale LEP 2011

Clause	Provisions	Compliance
2.1 Land use zones	<p>The site is zoned R3 Medium Density Residential and the objectives of the zone are:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a medium density residential environment.</i> <i>To provide a variety of housing types within a medium density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To ensure that land uses are carried out in a context and setting that minimises any impact on the character and amenity of the area.</i> <p>The following land uses are permitted with consent:</p> <p>Attached dwellings; Boarding houses; Building identification signs; Centre-based child care facilities; Community facilities; Environmental protection works; Group homes; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Respite day care centres; Seniors housing; Tank-based aquaculture; Water supply systems; Any other development not specified in item 2 or 4.</p>	<p>Complies</p> <p>The site is zoned R3 Medium Density Residential and 'Seniors housing' is a permissible use under the zone. The proposal is consistent with the zone objectives for the following reasons:</p> <ul style="list-style-type: none"> The proposal will provide a RACF for the needs of seniors which is located in environment surrounded by medium density housing; The RACF will provide a range of 1 and 2 bedrooms which will provide housing for seniors that are single and couples; The proposal will incorporate a communal café which provides a service for the day to day needs of residents as well as visitors; and The seniors housing is consistent and compatible with the surrounding residential uses and therefore will not significantly impact upon the character or amenity of the area.
4.1 Minimum subdivision lot size	The minimum lot size of 450m ² (G).	Complies
4.3 Height of Buildings	The site has a maximum height of 8.5m (I).	<p>N/A</p> <p>Clause 40(4)(a) of the Seniors SEPP stipulates that the height of all buildings must be 8m or less (measured to the ceiling of the topmost floor) and Clause 48(a) stipulates that this a standard that cannot be used to refuse consent. It is noted that the SEPP overrides the LEP where the two are inconsistent.</p>

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4.4 Floor Space Ratio	The site has a maximum FSR control of 0.6:1 (F).	N/A Clause 48(b) of the Seniors Living SEPP allows for an FSR of 1:1 and the SEPP overrides the LEP where the two are inconsistent.
5.10 Heritage Conservation	The site does not have any heritage items or is not within a Heritage Conservation Area. Furthermore, the site is not within proximity to any heritage item or Heritage Conservation Areas.	N/A
6.1 Acid Sulfate Soils	<p><i>The site falls within Class 4 of Acid Sulfate Soils.</i></p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class of land Works</p> <p>4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</p> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p>	<p>Complies</p> <p>The geotechnical investigations detailed in the Contamination Assessment Report – Preliminary Site Investigation (refer to Appendix 6) observed fill to a maximum depth of 1.2m below ground level (BGL) and groundwater entering between 2.5-3m BGL. The basement level seeks to excavate levels that are about 4.5m BGL. Any excavation beyond 2m BGL or lowering of the water table is proposed as part of the development, Acid Sulphate Soils may pose a risk and are to be considered.</p> <p>An Acid Sulphate Soils (ASS) Assessment has been prepared (refer to Appendix 27). The ASS Assessment concludes that the site is suitable for the development and no further investigation or assessment is required regarding ASS. Refer to Section 6.7 of the SEE for further discussion.</p>
6.2 Earthworks	(3) Before granting development consent for earthworks, the consent authority must consider the following matters—	Complies A Geotechnical Assessment was previously undertaken by Douglas Partners which undertook eight

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	<p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>boreholes and constant-head permeability tests to assess the subsurface profile and soil permeability at potential locations of the absorption pits (refer to Appendix 24). The Contamination Assessment Report (refer to Appendix 6) suggests that fill used across the site for leveling purposes and to fill the former pond is unknown of origin and quantity and may contain contaminants.</p>
6.7 Stormwater	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) will include, where practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) will avoid, or if a disturbance or impact cannot be avoided, will minimise and mitigate, any disturbance or impact of stormwater runoff on—</p> <p>(i) properties adjoining the land on which the development is proposed to be carried out, and</p> <p>(ii) native bushland, and</p> <p>(iii) receiving waters.</p>	<p>Complies</p> <p>The proposal has been designed to maximise permeable surfaces and incorporates generous landscaped areas. The proposal includes three absorption stormwater tanks which will avoid any disturbance to adjoining properties or receiving waters. Refer to Section 6.5 of the SEE for further discussion on stormwater.</p>